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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,375	06/18/2001	Anton Oguzhan Alford Andrews	PHN-17.707	8890
24737	7590	04/20/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			VU, THANH T	
			ART UNIT	PAPER NUMBER
			2174	
DATE MAILED: 04/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/868,375

Applicant(s)

ANDREWS ET AL.

Examiner

Thanh T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-16, 19-34 is/are pending in the application.
- 4a) Of the above claim(s) 1, 4-16, 19-22 and 31-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

Applicant's election without traverse of claims 23-30 in the reply filed on 01/21/2005 is acknowledged. This action is made Final.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "a graphical user interface for user with a data processing device, comprising" is non-statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub et al. ("Straub", U.S. Pat. No. 6,215,141), and Flutka et al. ("Flutka", U.S. Pat. No. 5,758,934).

Per claim 23, Straub teaches a graphical user interface for use with a data processing device comprising:

a screen (fig. 5; 140 and 144);

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a plurality of display elements for displaying on the screen, the elements comprising (fig. 5; element 142 and 144);

at least one personal selection zone, disposed within a strip to be displayed around a peripheral of the screen (fig. 5; personal selection zone 144; col. 8, lines 26-57); and

a presentation zone for presenting information selected at the personal selection zone (fig. 5; presentation zone 142; col. 8, lines 26-57).

Straub does not teach the screen is adapted for use in a horizontal plane. However Flutka teaches a screen is adapted for use in a horizontal plane (fig. 1; see Abstract; col. 2, lines 45-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a screen is adapted for use in a horizontal plane as taught by Flutka in the invention of Straub in order to improve the health of the computer operator and to provide for an unimpeded forward line of sight by the computer operator.

Per claim 24, Straub teaches the user interface of claim 23, wherein the personal selection zone is a flow zone comprising a moving list of links (fig. 5; links: MSN news, ESPN Sports, NEWS... col. 8, lines 53-56, and lines 60-67).

Per claim 25, Straub teaches the interface of claim 24, wherein the display elements further comprises at least one flow control element, a respectively flow control element being disposed adjacent to each flow zone (fig. 5; elements 164 and 162; col. 9, lines 5-8 and lines 24-32).

Per claim 26, Straub teaches the interface of claim 24, further comprising a plurality of control zones disposed together for effecting control of other display elements (col. 9, lines 18-23 and lines 33-46).

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Per claim 27, Straub teaches the interface of claim 26, wherein the control zones comprise: an agent zone for selecting filtering agents for filtering contents of the flow zone, a mode zone for altering a format of other zones and an annotation zone for annotating information in the presentation zone (figs. 7; annotation zone 198; col. 9, lines 18-23; col. 10, lines 5-15 and lines 32-48).

Per claim 28, Straub teaches the interface of claim 28, wherein the token zone is in the form of carousel (fig. 5, zone 144; col. 8, lines 39-43 and lines 58-63).

Per claim 30, Flutka teaches a table comprising the user interface of claim 23 and adapted for a respective user to sit adjacent to each personal selection zone (fig. 1; col. 2, lines 43-51).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Straub et al. ("Straub", U.S. Pat. No. 6,215,141), Flutka et al. ("Flutka", U.S. Pat. No. 5,758,934), and Barraus et al. ("Barraus", U.S. Pat. No. 6,693,652).

Per claim 28, Straub and Flutka teaches the interface of claim 23 further comprising at least one token zone for displaying personal links (fig. 5; zone 144; links 154 and 152), but does not teach wherein the personal links may be dragged to other zones to affect what is displayed in the other zones. However, Barraus teaches links may be dragged to other zones to affect what is displayed in the other zones (fig. 15; col. 25, line 55-col. 26, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Barraus in the invention of Straub and Flutka in order to automatically generating a thumbnail image of a web page.

### ***Response to Arguments***

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu

A handwritten signature in black ink, consisting of a stylized, cursive 'T' followed by a long, sweeping horizontal stroke that curves upwards at the end.